

**SUPREME COURT MINUTES  
THURSDAY, OCTOBER 13, 2005  
SAN FRANCISCO, CALIFORNIA**

<b>S136498</b> C044964 Third Appellate District	PEOPLE v. SCOTT Time extended to grant or deny review  to November 18, 2005.
<b>S136542</b> B179106 Second Appellate District, Division Six	PEOPLE v. MARRON Time extended to grant or deny review  to November 18, 2005
<b>S136556</b> F043462 Fifth Appellate District	PEOPLE v. RENTERIA Time extended to grant or deny review  to November 18, 2005
<b>S136576</b> G035228 Fourth Appellate District, Division Three	LEE (VICTOR) ON H.C. Time extended to grant or deny review  to November 18, 2005
<b>S136583</b> B183284 Second Appellate District, Division Six	MURILLO v. S.C. (PEOPLE) Time extended to grant or deny review  to November 18, 2005
<b>S136595</b> E034901 Fourth Appellate District, Division Two	PEOPLE v. GALINDO Time extended to grant or deny review  to November 23, 2005.
<b>S136604</b> C050281 Third Appellate District	HEBBE, (PAUL ERIC) ON H.C. Time extended to grant or deny review  to November 18, 2005.

**S136632**

E036012 Fourth Appellate District,  
Division Two

KWIKSET CORPORATION v. CALIFORNIA  
REGIONAL WATER QUALITY CTRL BRD.  
Time extended to grant or deny review

to November 18, 2005

**S136634**

H027913 Sixth Appellate District

PEOPLE v. SALAZAR  
Time extended to grant or deny review

to November 21, 2005.

**S136645**

H028670 Sixth Appellate District

MALSTROM (MARK) ON H.C.  
Time extended to grant or deny review

to November 21, 2005.

**S136663**

B175123 Second Appellate District,  
Division Three

PEOPLE v. HOYOS  
Time extended to grant or deny review

to November 22, 2005

**S136692**

F044500 Fifth Appellate District

PEOPLE v. GALVAN  
Time extended to grant or deny review

to November 23, 2005

**S136698**

B173340 Second Appellate District,  
Division Seven

PEOPLE v. SANCHEZ  
Time extended to grant or deny review

to November 23, 2005.

**S136712**

A106034 First Appellate District,  
Division One

PEOPLE v. CHANEY  
Time extended to grant or deny review

to November 23, 2005

**S136719**

B173331 Second Appellate District,  
Division Five

PEOPLE v. BAUTISTA  
Time extended to grant or deny review

to November 24, 2005.

**S136752**

A102198 First Appellate District,  
Division Four

## PEOPLE v. MORALES

Time extended to grant or deny review

to November 23, 2005

**S136912**

E034877 Fourth Appellate District,  
Division Two

## PEOPLE v. WHITE

Time extended to grant or deny review

to November 18, 2005

**S130457**

D044209 Fourth Appellate District,  
Division One

## J. (OLIVIA), IN RE

Extension of time granted

On application of minor Olivia J., and good cause appearing, it is ordered that the time to serve and file the Minor's Brief is extended to and including October 21, 2005.

**S132605**

C042448 Third Appellate District

## PEOPLE v. SLOAN

Extension of time granted

to November 10, 2005 for respondent to file the reply brief on the merits.

**S130457**

D044209 Fourth Appellate District,  
Division One

## J. (OLIVIA), IN RE

Application to appear as counsel pro hac vice granted

The application of Douglas B. Marlowe of the State of Pennsylvania and the State of New York, and the application of Hon. Karen Freeman-Wilson (ret.) of the State of Indiana to appear as pro hac vice on behalf of amicus curiae National Association of Drug Court Professionals and California Association of Association of Drug Court Professionals is hereby granted.

**S131807**

A095918 First Appellate District,  
A097793 Division Four

## HARRIS v. PRICEWATERHOUSECOOPERS

Order filed

The parties' joint application to file consolidated answer briefs to amicus curiae briefs is granted as follows: Each party may file

a consolidated answer brief to all amicus curiae briefs which have theretofore been filed pursuant to timely applications for permission to file such briefs. (See Cal. Rules of Court, rule 29.1(f)(1), (2).) Each party's consolidated answer brief shall be filed no later than 20 days after the last such amicus curiae brief is filed. (See *id.*, rule 29.1(f)(6).)

**S135734**

IN THE MATTER OF THE SUSPENSION  
OF ATTORNEYS PURSUANT TO RULE 962,  
CALIFORNIA RULES OF COURT  
Order filed

Having been provided proof of compliance pursuant to Family Code 17520, the suspension of **Richard S. Paul, #90142**, pursuant to our order filed on July 21, 2005, is hereby terminated.  
This order is final forthwith.

**S135914**

FEGEN ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **PAUL F. FEGEN, State Bar No. 31680**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 60 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 13, 2005. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar

pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S135920**

**BOYD ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **SHANNON ROBERTS BOYD, State Bar No. 170169**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including one year actual suspension, recommended by the Hearing Department of the State Bar Court in its Decision filed on June 14, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S135923**

**ZARATE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **GUSTAVO A. ZARATE, State Bar No. 199478**, be suspended from the practice of law for two years and six months, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years and six months, subject

to the conditions of probation, including two years actual suspension, and until has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on June 20, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs are to be added and become part of the membership fees for years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S135926

## RAILSBACK ON DISCIPLINE

Recommended discipline imposed

It is ordered that **JON DAVID RAILSBACK, State Bar No. 64853**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, and until he makes the specified restitution and provides proof thereof to the State Bar's Office of Probation, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension and the payment of restitution, recommended by the Hearing Department of the State Bar Court in its Order

Approving Stipulation, as amended, filed on June 10, 2005. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of actual suspension or within one year after the effective date of this order, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-half of said costs are to be added to and become part of the membership fees for years 2007 and 2008. (Business & Professions Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S135927

MAHDESSIAN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RITA MAHDESSIAN, State Bar No. 141901**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for three months.

Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed June 9, 2005. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that Respondent comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-half of said costs are to be added to and

become part of the membership fees for years 2006 and 2007. (Business & Professions Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137726**

**SCHWARTZ ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **STEVEN LARRY SCHWARTZ, State Bar No. 87302**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137736**

**HAWES ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **William Ray Hawes, State Bar No. 45313**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)



**S137823****SIRIN ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **CAN MITHAT SIRIN, State Bar No. 127299**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137827****ROBERTS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **MICHAEL WILLIAM ROBERTS, State Bar No. 36996**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137833****MARCANO ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **CARMEN LOUISE MARCANO, State Bar No. 173825**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter

seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137835**

**WHITLOW-CLARK ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Ann E. Whitlow-Clark, State Bar No. 117239**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S137841**

**COVEY ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **John A. Covey, State Bar No. 174935**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**Bar Misc. 4186**

IN THE MATTER OF THE APPLICATION OF  
THE COMMITTEE OF BAR EXAMINERS OF  
THE STATE BAR OF CALIFORNIA FOR  
ADMISSION OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(LIST OF NAMES ATTACHED TO  
ORIGINAL ORDER)

**990440-05**

THE HONORABLE DANIEL A. CURRY, Associate Justice of the Court of Appeal, Second Appellate District, Division Four, is hereby assigned to assist the Supreme Court of California as a justice thereof, on October 13, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**990441-05**

THE HONORABLE RODNEY DAVIS, Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Supreme Court of California as a justice thereof, on October 13, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 9, 2005**

**(FIRST AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on November 9, 2005.

**WEDNESDAY, NOVEMBER 9, 2005 – 9:00 A.M.**

- S131030      In re Marriage of Brown and Yana  
                  (*Cooper, J., assigned Justice Pro Tempore*)
- S126773      People v. Salas (Javier)  
                  (*Butz, J., assigned Justice Pro Tempore*)
- S124464      Pacific Lumber v. Cal. State Water Resources Control Board  
                  (*Bamattre-Manoukian, J., assigned Justice Pro Tempore*)

**1:30 P.M.**

- S124503      People v. Shelton (Jonathan)  
                  (*Armstrong, J., assigned Justice Pro Tempore*)
- S037302      People v. Hinton (Eric L.) [Automatic Appeal]  
                  (*Curry, J., assigned Justice Pro Tempore*)
- S041630      People v. Jablonski (Phillip C.) [Automatic Appeal]  
                  (*Davis, J., assigned Justice Pro Tempore*)

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GEORGE  
Chief Justice

**Note:** In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotational procedure.

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.